

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

**CIVIL APPLICATION NO. 1682 OF 2017
IN FA/297/2007**

BHIKA LAXMAN BERAD DIED LRS MADHAV AND ORS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr.Shedge Ranjit A
AGP for Respondent sole : Mr. S.S.Dande

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CORAM : K.L.WADANE, J.

DATED : 19th September, 2017

O R D E R :

This is an application for withdrawal of the amount of compensation deposited by the State and withdrawal of the Bank guarantee.

2. Learned counsel appearing for the applicants submits that First Appeal preferred by the State Government was already dismissed.

3. Learned A.G.P. does not dispute this statement and copy of the judgment in First Appeal No. 297 of 2007 is also placed on record.

4. Learned counsel further submits that during pendency of appeal original claimants no.2 Kausabai and no.6 Kacharabai have died.

Therefore, learned counsel appearing for the applicants submits that the amount of compensation be paid to the remaining claimants who are the legal representatives. Affidavit to that effect is sworn by applicant no.5 Satish Babasaheb Berad and has stated that except above mentioned applicants there are no legal heirs to claimants no.2 and no.6.

5. In view of above, Civil Application is allowed in terms of prayer clause 'B'.

6. Civil Application is disposed of.

(K.L.WADANE, J.)

dbm